

REPORT TO CITY COUNCIL

DATE: AUGUST 26, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: CHRISTY PINUELAS, DIRECTOR OF FINANCE

SUBJECT: ADOPTION OF AN ORDINANCE AMENDING ARTICLE II OF THE MUNICIPAL CODE

At the August 12, 2009, regular City Council meeting, the City Council introduced, read by title only, and waived further reading of Ordinance No. 09-368. The ordinance would amend Article II of the Agoura Hills Municipal Code relating to administration of the city.

Attached for your reference is a copy of the proposed ordinance.

RECOMMENDATION

Staff recommends the City Council adopt Ordinance No. 09-368, regarding amendment of Article II of the Agoura Hills Municipal Code relating to administration of the City.

Attachment: Ordinance No. 09-368

ORDINANCE NO. 09-368

**AN ORDINANCE OF THE CITY OF AGOURA HILLS
AMENDING ARTICLE II OF THE AGOURA HILLS
MUNICIPAL CODE RELATING TO ADMINISTRATION
OF THE CITY**

The City Council of the City of Agoura Hills does hereby ordain as follows:

SECTION 1. Section 2101 of Chapter 1 of Article II of the Agoura Hills Municipal Code is hereby amended to read as follows:

“2101. Finance director.

The city manager, or his or her designee, shall serve as the finance director of the city. The financial and accounting duties set forth in Government Code Sections 40802 through 40805, inclusive, as the same may be amended from time to time, are transferred to the finance director.”

SECTION 2. Section 2106 of Chapter 1 of Article II of the Agoura Hills Municipal Code is hereby amended to read as follows:

“2106. Bond.

At the city council’s discretion, the city may post a corporate surety bond to be approved by the city council in such sum as may be approved by the city council, which shall be conditioned on the faithful performance of the duties imposed on the city manager, city clerk and city treasurer as herein prescribed.”

SECTION 3. Subsection (g) of Section 2107 of Chapter 1 of Article II of the Agoura Hills Municipal Code is hereby amended to read as follows:

“(g) To purchase or cause to be purchased all supplies for all of the departments or divisions of the city. No expenditure shall be submitted or recommended to the council except upon approval by or report prepared by the city manager.”

SECTION 4. Subsection (o) is hereby added to Section 2107 of Chapter 1 of Article II of the Agoura Hills Municipal Code to read as follows:

“(o) To appoint persons to fill the following appointive positions: (1) city clerk; and (2) city treasurer.”

SECTION 5. Section 2108 of Chapter 1 of Article II of the Agoura Hills Municipal Code is hereby amended to read as follows:

“2108. Ex officio member of boards, commissions and committees.

The city manager shall be an ex officio member of all boards, commissions and committees appointed by the mayor or the city council pursuant to law, with a right to participate in all deliberations or actions by voice but without vote.”

SECTION 6. Chapter 5 of Article II of the Agoura Hills Municipal Code is hereby amended to read as follows:

“Chapter 5 CITY FUNDS AND RECORDS

2500. General fund.

There is hereby established a general fund for the purpose of depositing therein all moneys that are unrestricted in their use. All moneys received by the city, regardless of their source, shall be placed in this fund provided that the use of such moneys is not restricted by law to a particular purpose. Before any expenditures are made from the general fund after July 30, 1983, all such expenditures shall first be budgeted in accordance with article II, chapter 6 of the Agoura Hills Municipal Code and any other budget procedures adopted by the city council.

2501. Traffic safety fund.

A special traffic safety fund is hereby established in accordance with Vehicle Code Section 42200 for the purpose of depositing therein all moneys received as a result of arrests or citations for Vehicle Code misdemeanor violations by an officer employed or contracted by the city. Expenditures from this fund shall be made only for traffic control devices and the maintenance thereof, equipment and supplies for traffic law enforcement and traffic prevention, and maintenance, improvement or construction of public streets, bridges, and culverts within the city. The fund shall not be used to pay the compensation of traffic or other police officers but may be used to pay the compensation of school crossing guards. Expenditures from the traffic safety fund shall be in accordance with the provisions of Chapter 6 of Article II of the Agoura Hills Municipal Code and such other budget procedures as may be adopted by the city council

2502. Special local transit fund.

A special local transit fund is hereby established for the purpose of depositing therein moneys to be used for the purpose authorized by Ordinance No. 16 of the Los Angeles County transportation commission establishing a retail transaction and use tax for public transit purposes. All moneys received by the city pursuant to the guidelines established by the Los Angeles County transportation commission shall be placed in this fund. Expenditures from the fund shall be made only for the purposes authorized by the Los Angeles County transportation commission. Before any expenditures are made from this fund, all such expenditures shall be budgeted in accordance with the budget procedures prescribed by the city council.

2503. Special gas tax street improvement fund.

To comply with the provisions of Section 2113 of the Streets and Highways Code and to avail itself of its benefits of Sections 2106 and 2107 thereof, there is hereby created in the city treasury a special fund to be known as the special gas tax street improvement fund. All moneys received by the city from the State of California under the provisions of the Streets and Highways Code for the research, planning, construction, improvement, maintenance, and operation of public streets by the city (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes shall be paid into said fund. All moneys in said fund shall be expended exclusively for the purposes authorized by and subject to the provisions of the Streets and Highways Code.

2504. Air quality improvement trust fund.

(a) Definitions. For the purposes of this section, the following definitions shall apply:

(1) Mobile source air pollution reduction program shall mean any program or project implemented by the city to reduce air pollution emitted from motor vehicles pursuant to the California Clean Air Act of 1988 or the Air Quality Management Plan for the South Coast Air Quality Management District prepared and adopted in accordance with the provisions of Health and Safety Code Sections 40460 through 40470.

(2) Fee administrator shall mean the city manager of the City of Agoura Hills or his or her designee.

(b) Establishment of fund. The fee administrator shall establish a separate fund known as the air quality improvement trust fund. All funds received by the city pursuant to Health and Safety Code Sections 44243 and 44244, along with any other funds designated by the city council, shall be deposited in the air quality improvement trust fund and shall be used for the sole purpose of financing mobile source air pollution reduction programs. The fee administrator shall be responsible for depositing funds in the air quality improvement trust fund.

(c) Audits. The city hereby consents to audits, at least once every two (2) years, of all programs and projects funded by vehicle registration fees provided by Health and Safety Code Section 44243, provided that such audit shall be conducted by an independent auditor selected by the South Coast Air Quality Management District. Audit costs shall be funded as provided in Health and Safety Code Section 44244.1.

2505. Presenting and filing claims.

All claims against the City of Agoura Hills shall comply with the requirements set forth in Sections 900 through 935.6 of the Government Code of the State of California and all other applicable laws.

2506. Itemization necessary.

The city council shall not hear, consider, allow or approve any claim, bill or demand against the city unless the same be itemized giving names, dates, and particular services rendered, distance traveled, character of work done, number of days engaged, materials and supplies furnished, when and to whom, in what quantity furnished, the price therefor and any other pertinent details as the case may be. Claims and demands for salaries and wages of officers and employees of the city may, but need not be, presented to the council in accordance with the provisions of the Agoura Hills Municipal Code.

2507. Method of claim approval.

Each claim or demand presented for payment shall be presented to the city clerk who shall prepare a register of demands. Each claim or demand arising as a result of the purchase of supplies or equipment, from projects under construction, or from contracts and agreements shall be presented to the department head, if any, who authorized the same, for his written approval, and each claim or demand shall thereafter be presented to the city manager for his written approval thereof. The city manager shall inform the city council in writing of any claims or demands presented against the city which shall fail to obtain the approval of the proper department head or which shall fail to obtain the approval of the city manager. All such claims and demands, whether approved or not, shall be forwarded by the city manager to the city council for audit. The city council shall audit said claims and demands as required by law.

2508. Register of demands.

Except as provided in section 2509 of this chapter, a register of all claims against the city shall be submitted to the city council prior to payment. Such register shall have attached thereto the affidavit of the city manager certifying as to the accuracy and budget status of the demands and the availability of funds for payment thereof.

2509. Payroll and budgeted demands.

Payroll checks for officers and employees whose compensation has been previously fixed by the city council need not be ratified by the city council prior to payment. Payrolls shall be presented to the city council for ratification and approval at its first meeting after delivery of the payroll checks. Checks drawn in payment of demands certified and approved by the city manager as conforming to a budget approved by ordinance or resolution of the city council need not be ratified by the city council prior to payment. Budgeted demands paid by check prior to being ratified by the city council shall be stated on the register of demands separately from unpaid demands and shall be presented to the city council for ratification and approval at its first meeting after the delivery of the checks.

2510. Disposition of claims.

If the city council finds that any claim or demand is not a proper charge against the city, it shall be rejected by resolution or minute action, and the fact of rejection shall be plainly endorsed upon the claim by the city clerk or his authorized representative. If any claim or demand is determined to be a proper charge against the city, the same shall be allowed by

resolution or minute action setting forth as to each claim the name of the claimant, a brief statement of the claim and the amount allowed. Any claim may be allowed in part and rejected in part by the city council.

2511. Signatures.

For every claim or demand approved and allowed by the city council, the city treasurer shall draw a warrant upon the city treasury for the same, which warrant shall be countersigned by the city manager. Every warrant shall specify for what purpose the same is drawn and the fund from which it is to be paid. The signatures of the city treasurer and the city manager may be by facsimile signature affixed by a person duly authorized by such officer. Such facsimile signatures shall be affixed by means of a check-signing machine requiring the use of two (2) different keys to unlock the mechanism. One such key shall remain in the possession and control of the city manager and the other key shall remain in the possession of an employee designated by the city treasurer and approved by the city council.

2512. Sufficient money in treasury.

Except as may otherwise be provided, no warrant shall be drawn or evidence of indebtedness issued unless there is at the time sufficient money in the treasury legally applicable to the payment of the same.”

SECTION 7. Chapter 6 of Article II of the Agoura Hills Municipal Code is hereby amended to read as follows:

“Chapter 6 FISCAL ADMINISTRATION

2600. Fiscal year.

The fiscal year shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

2601. Annual budget.

Annually the city manager shall obtain from all city departments, boards and commissions, and all county of Los Angeles departments and agencies providing services to the city an estimate of projected revenues and expenditures for the forthcoming year along with any necessary supporting data. The city manager shall then prepare a preliminary budget based upon such projected revenues and expenditures. In preparing the preliminary budget, the city manager shall review all estimates and hold conferences thereon with the respective department heads, boards or commissions as deemed necessary and may revise the estimates as deemed appropriate.

The city manager shall submit the preliminary budget to the Finance Committee not later than 30 days prior to the new Fiscal Year and the Council not later than the second Wednesday of June ever year.

2602. Budget--Public meeting.

The city council shall consider the proposed budget at an open and public regular meeting of the city council.

2603. Budget--Adoption.

The city council shall further consider the preliminary budget and may make any revisions thereof it deems appropriate at the public meeting. On or before the second regular meeting in July, the council shall by resolution adopt the budget with revisions, if any, by the affirmative votes of at least three (3) members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the city clerk, shall be filed with the firm or person retained by the city council to perform auditing services for the council. A certified copy of the adopted budget also shall be placed on file in the office of the city clerk where it shall be available for inspection during normal working hours. The budget so certified shall be reproduced and copies made available for the use of all departments and offices of the city.

2604. Budget--Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes thereon named. All appropriations not expended or lawfully encumbered by action of the city council shall lapse at the end of the fiscal year.

2605. Budget--Amendments.

At any meeting after the adoption of the budget, the city council may amend or supplement the budget by a resolution adopted by the affirmative vote of at least three (3) members of the city council. However, the city manager may authorize the transfer of funds from one object account to another within the same department, office, agency or program activity.

2606. Independent audit.

At the beginning of each fiscal year, the city council shall employ a qualified accountant or audit firm, who shall, at such time or times as may be specified by the city council, examine the books, records, inventories and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees, or departments as the city council may direct. As soon as practical after the end of the fiscal year, a final audit report shall be submitted by such accountant or audit firm to the city council. One (1) copy thereof shall be distributed to each council member, to the city manager, and to the city attorney, respectively, and three (3) additional copies shall be placed on file in the office of the city clerk where they shall be available for inspection by the general public.”

SECTION 8. Pursuant to California Government Code Section 34856, the City Council of the City of Agoura Hills hereby confirms that the offices of city clerk and city treasurer shall remain appointive and confirms that the power to appoint persons to the offices of city clerk and city treasurer is vested in the City Manager.

SECTION 9. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Ordinance would be subsequently declared invalid or unconstitutional.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2009.

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC
City Clerk

APPROVED AS TO FORM:

Craig A. Steele
City Attorney